

DETENTION IN HOSPITAL FOR ASSESSMENT IN AN EMERGENCY

(Section 4 of the Mental Health Act 1983)

1. Patient's name	
2. Name of the person in charge of your care (your "responsible clinician")	
3. Name of hospital and ward	

Why am I in hospital?

You are being kept in hospital under section 4 of the Mental Health Act 1983 because a doctor thinks you have a mental disorder and that you must stay in hospital.

How long will I be here?

You have to stay in this hospital for up to 72 hours so that you can be seen by a second doctor to confirm if the decision to keep you in hospital is correct.

During this time you must not leave unless the person in charge of your care (your responsible clinician) says that you may. If you try to go, the staff can stop you, and if you leave, you can be brought back.

In your case the 72 hours end at:

Date	Time
------	------

If, after 72 hours, another doctor has not seen you, you will be free to leave. But if you decide to leave then, please talk to your responsible clinician or another member of staff first.

What happens next?

When the second doctor sees you, they may say that you need to stay in hospital for longer. That doctor, or your responsible clinician, will tell you why and for how long this is likely to be. You will be given another leaflet that explains this. If they decide that you do not need to stay, either they or another member of staff will talk to you about what other help you should have.

Will I be given treatment?

The hospital staff will tell you about any treatment they think you need. You have the right to refuse any treatment you do not want. Only in special circumstances, which would be explained to you, can you be given treatment you do not agree to.

Can I appeal?

Yes, you can appeal against the decision to keep you in hospital under section 4.

To do this, you can ask the Hospital Managers to let you leave. You can do this at any time. The Hospital Managers are a special committee of people set up within the hospital to decide whether people should be kept in hospital. They may want to talk to you before deciding whether to let you leave.

You can write to the Hospital Managers at:

Or you can ask a member of staff to help you contact the Hospital Managers.

Your nearest relative can also write to the Hospital Managers to say that they want you to be allowed to leave hospital. This leaflet explains further down who your nearest relative is. If your nearest relative does this, the Hospital Managers must let you leave within 72 hours unless your responsible clinician tells them you might be a danger to yourself or other people if you are allowed to leave. If this happens, it will be another six months before your nearest relative will be able to tell the Hospital Managers again that they want you to leave, if you are still being kept in hospital then.

You can also ask a Tribunal to say you should no longer be kept in hospital.

What is a Tribunal and what happens?

The Tribunal is an independent panel which can decide whether you should be allowed to leave the hospital. It will hold a meeting with you and with staff from the hospital who know you. This meeting is called a “hearing”. You can ask someone else to come to the hearing to help you, if you want. Before the hearing, the members of the Tribunal will read reports from the hospital about you and your care. One of the members of the Tribunal will also come to talk to you.

The Tribunal will probably not be able to do this until after the 72 hours is up. So there will only be a hearing if the second doctor has decided that you need to be kept in hospital for longer than that.

If you want to apply to the Tribunal you can write to:

The Tribunals Service
PO BOX 8793
5th Floor
Leicester
LE1 8BN

Tel. 0845 2232022

You can ask a solicitor to write to the Tribunal for you and help you at the hearing. The hospital and the Law Society have a list of solicitors who specialise in this. You will not have to pay for help from a solicitor with this. It is free of charge under the Legal Aid scheme.

Letting your nearest relative know

A copy of this leaflet will be given to the person the Mental Health Act says is your nearest relative.

There is a list of people in the Mental Health Act who are treated as your relatives. Normally, the person who comes highest in that list is your nearest relative. The hospital staff can give you a leaflet which explains this and what rights your nearest relative has in connection with your care and treatment.

In your case, we have been told that your nearest relative is:

If you do not want this person to receive a copy of the leaflet, please tell your nurse or another member of staff.

Changing your nearest relative

If you do not think this person is suitable to be your nearest relative, you can apply to the County Court for someone else to be treated as your nearest relative instead. The hospital staff can give you a leaflet that explains this.

Your letters

All letters sent to you while you are in hospital will be given to you. You can send letters to anyone except someone who has said they do not want to get letters from you. Letters to these people can be stopped by the hospital staff.

Code of Practice

There is a Code of Practice that gives advice to the staff in the hospital about the Mental Health Act and treating people for mental disorder. The staff have to consider what the Code says when they take decisions about your care. You can ask to see a copy of the Code, if you want.

How do I complain?

If you want to complain about a decision to keep you here under section 4, or about anything else to do with your care and treatment in hospital, please speak to a member of staff. They may be able to sort the matter out. They can also give you details of the hospital's complaints procedure, which you can use to try to sort out your complaint locally. They can also tell you about any other people who can help you make a complaint.

If you do not feel that the hospital complaints procedure can help you, you can complain to an independent Commission. This is called the Care Quality Commission and it monitors how the Mental Health Act is used, to make sure it is used correctly and that patients are cared for properly while they are in hospital. The hospital staff can give you a leaflet explaining how to contact the Commission.

Further help and information

If there is anything you do not understand about your care and treatment, a member of staff will try to help you. Please ask a member of staff to explain if there is anything in this leaflet you do not understand or if you have other questions that this leaflet has not answered.

Please ask if you would like another copy of this leaflet for someone else.